

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, January 11, 2021

The Senate convened at 1:00 p.m., with President Pro Tempore Burckhard presiding.

The prayer was offered by Major Nelson De La Vergne, Salvation Army, Bismarck.

The roll was called and all members were present except Senators Marcellais and Wobbema.

A quorum was declared by the President Pro Tempore.

## MOTION

**SEN. KLEIN MOVED** that Engrossed SB 2085 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed SB 2085 was rereferred.

## MOTION

**SEN. KLEIN MOVED** that SB 2116 be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2053, as engrossed and amended: SEN. O. LARSEN (Agriculture Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## SECOND READING OF SENATE BILL

**SB 2067:** A BILL for an Act to create and enact a new subsection to section 32-12.1-03 and a new subsection to section 32-12.2-11 of the North Dakota Century Code, relating to compliance with rules of civil procedure in actions brought against political subdivisions, employees of political subdivisions, the state, or a state employee.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

**NAYS:** Larsen, O.

**ABSENT AND NOT VOTING:** Marcellais; Wobbema

Reengrossed SB 2067 passed.

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## SECOND READING OF SENATE BILL

**SB 2066:** A BILL for an Act to amend and reenact section 54-17.4-09.1 of the North Dakota Century Code, relating to use of funds from the fossil excavation and restoration fund; and to provide a continuing appropriation.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

**ABSENT AND NOT VOTING:** Marcellais; Wobbema

SB 2066 passed.

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#### **SECOND READING OF SENATE BILL**

**SB 2062:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and section 55-01-12 of the North Dakota Century Code, relating to criminal history record checks by the state historical society for volunteers and final applicants for employment.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

**NAYS:** Heitkamp; Larsen, O.; Myrdal

**ABSENT AND NOT VOTING:** Marcellais; Wobbema

SB 2062 passed.

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#### **SECOND READING OF SENATE BILL**

**SB 2094:** A BILL for an Act to amend and reenact section 39-29-10 of the North Dakota Century Code, relating to the issuance of off-highway vehicle safety certificates by the parks and recreation department for completion of an off-highway vehicle safety training course.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

**ABSENT AND NOT VOTING:** Marcellais; Wobbema

SB 2094 passed.

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#### **SECOND READING OF SENATE BILL**

**SB 2115:** A BILL for an Act to amend and reenact section 37-01-03 and 37-01-43, and subsection 8 of section 37-26-01 of the North Dakota Century Code, relating to the operation of the North Dakota national guard.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

**ABSENT AND NOT VOTING:** Marcellais; Wobbema

SB 2115 passed.

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**SECOND READING OF SENATE BILL**

**SB 2091:** A BILL for an Act to amend and reenact section 49-03-01.5 of the North Dakota Century Code, relating to an exclusion from the definition of public utility and rural electric cooperative.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

**ABSENT AND NOT VOTING:** Marcellais; Wobbema

SB 2091 passed.

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**SECOND READING OF SENATE BILL**

**SB 2104:** A BILL for an Act to amend and reenact subsection 2 of section 12-48-03.1 of the North Dakota Century Code, relating to the sale of prison industries-made products.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 22 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Conley; Elkin; Erbele; Heckaman; Hogan; Hogue; Klein; Kreun; Mathern; Meyer; Oban; Patten; Poolman; Roers, J.; Roers, K.; Vedaa; Wardner; Weber

**NAYS:** Clemens; Davison; Dever; Dwyer; Fors; Heitkamp; Holmberg; Kannianen; Krebsbach; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Myrdal; Oehlke; Piepkorn; Rust; Schaible; Sorvaag; Unruh Bell; Wanzek

**ABSENT AND NOT VOTING:** Marcellais; Wobbema

SB 2104 failed.

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**SECOND READING OF SENATE BILL**

**SB 2047:** A BILL for an Act to amend and reenact section 9-15.2-13 of the North Dakota Century Code, relating to conduct prohibited under the Revised Uniform Athlete Agents Act; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

**ABSENT AND NOT VOTING:** Marcellais; Wobbema

SB 2047 passed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1040, HB 1044, HB 1085.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1076.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2035, SB 2039, SB 2049, SB 2050, SB 2054, SB 2055, SB 2056, SB 2058, SB 2081, SB 2087, SB 2088, SB 2098, SB 2101, SB 2103.

**MOTION**

**SEN. KLEIN MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, January 12, 2021, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2027: Transportation Committee (Sen. Clemens, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2063: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2063 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2095: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2095 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2096: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2096 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2110: Transportation Committee (Sen. Clemens, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2110 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2111: Transportation Committee (Sen. Clemens, Chairman)** recommends **DO PASS**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2114: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2114 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Myrdal, Luick, Bell and Reps. Paur, Steiner introduced:

**SB 2158:** A BILL for an Act to amend and reenact section 53-06.2-01, subsection 3 of section 53-06.2-07, and section 53-06.2-15 of North Dakota Century Code, relating to pari-mutuel horse racing; and to repeal section 53-06.2-03 of the North Dakota Century Code, relating to the appointment of a director of racing.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Dever, Larson, Poolman and Reps. Bellew, Karls, Toman introduced:

**SB 2159:** A BILL for an Act to create and enact a new section to chapter 47-10 of the North Dakota Century Code, relating to mobile home park tenant rights when ownership of the park is transferred; and to provide a penalty.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Clemens, Dwyer and Reps. Becker, Jones, Kiefert introduced:

**SB 2160:** A BILL for an Act to amend and reenact subsection 1 of section 16.1-07-05 and section 16.1-07-07 of the North Dakota Century Code, relating to the application process for an absent voter's ballot.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Lee, Hogan, K. Roers and Reps. Dobervich, Weisz, Westlund introduced:

**SB 2161:** A BILL for an Act to create and enact two new sections to chapter 50-06 of the North Dakota Century Code, relating to a mental health provider registry and a behavioral health bed management system.

Was read the first time and referred to the **Human Services Committee**.

Sens. Lee, Bekkedahl and Reps. Lefor, Monson introduced:

**SB 2162:** A BILL for an Act to create and enact two new sections to chapter 54-44.4 and subsection 3 of section 54-44.4-14 of the North Dakota Century Code, relating to payments for purchases, communication with elected officials, and the procurement information website; and to amend and reenact subsection 7 of section 54-44.4-02 of the North Dakota Century Code, relating to emergency purchases.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Lee, Dwyer, Hogan and Reps. Dobervich, Klemin, Roers Jones introduced:

**SB 2163:** A BILL for an Act to amend and reenact section 23-02.1-28 of the North Dakota Century Code, relating to access to vital record data.

Was read the first time and referred to the **Human Services Committee**.

Sens. Lee, Hogan, K. Roers and Reps. Pyle, Schauer introduced:

**SB 2164:** A BILL for an Act to create and enact section 43-51-10.1 of the North Dakota Century Code, relating to occupational rules in cases of emergencies; and to amend and reenact sections 43-51-04 and 43-51-12 of the North Dakota Century Code, relating to occupational licensure in cases of emergencies.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Schaible, Rust and Reps. D. Johnson, Owens introduced:

**SB 2165:** A BILL for an Act to amend and reenact sections 15.1-07-29 and 15.1-27-35.3, subsection 6 of section 15.1-36-06, and subdivision a of subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating to the elimination of school district ending fund balance carryforward limitations, deductions from state aid formula payments, and school construction loan amounts.

Was read the first time and referred to the **Education Committee**.

Sens. Vedaa, Hogue, O. Larsen, Larson and Reps. D. Anderson, Thomas introduced:

**SB 2166:** A BILL for an Act to amend and reenact sections 12.1-23-05 and 12.1-23-10 of the North Dakota Century Code, relating to theft offenses; and to provide a penalty.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Oban, Larson and Reps. Dockter, Heinert, Klemin, Martinson introduced:

**SB 2167:** A BILL for an Act to amend and reenact subsection 2 of section 15-10-17 of the North Dakota Century Code, relating to jurisdiction of law enforcement officers employed by Bismarck state college.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Kreun, Larson, J. Roers and Reps. Ista, O'Brien introduced:

**SB 2168:** A BILL for an Act to amend and reenact subsection 2 of section 15-10-17 of the North Dakota Century Code, relating to jurisdiction and authority of law enforcement officers employed by institutions of higher education.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Hogan, Mathern and Reps. Dobervich, Schneider introduced:

**SB 2169:** A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to a COVID-19 relief grant program for essential workers; to provide an appropriation; to provide a contingent appropriation; and to provide an expiration date.

Was read the first time and referred to the **Appropriations Committee**.

Sen. Anderson and Rep. M. Nelson introduced:

**SB 2170:** A BILL for an Act to create and enact chapter 19-03.7 of the North Dakota Century Code, relating to prescription drug costs; and to provide a penalty.

Was read the first time and referred to the **Human Services Committee**.

Sens. Klein, Luick, Wanzek, Wardner and Reps. D. Johnson, Monson introduced:

**SB 2171:** A BILL for an Act to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to the transfer of the international business and trade office from the department of commerce to the agriculture commissioner; to repeal section 54-60-16 of the North Dakota Century Code, relating to the international business and trade office; to provide a continuing appropriation; and to provide an appropriation.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Klein, Kreun, Bell and Reps. Lefor, J. Nelson, Weisz introduced:

**SB 2172:** A BILL for an Act to amend and reenact section 20.1-08-04.2 of the North Dakota Century Code, relating to a preference for moose hunting licenses for individuals seventy-five years of age and older.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Sens. K. Roers, Patten, Weber and Reps. Mock, Pyle, Stemen introduced:

**SB 2173:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-26-04.1 of the North Dakota Century Code, relating to insurance fees for annuities.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Meyer, Larson, Sorvaag and Reps. K. Koppelman, Satrom introduced:

**SB 2174:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and a new section to chapter 54-61 of the North Dakota Century Code, relating to criminal history record checks by the commission on legal counsel for indigents.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Meyer, Anderson, Burckhard, Hogue and Reps. Nathe, Vetter introduced:

**SB 2175:** A BILL for an Act to amend and reenact subsection 3 of section 15.1-13-17 and sections 43-51-01, 43-51-11, 43-51-11.1, and 43-51-11.2 of the North Dakota Century Code, relating to occupational licensure of members of the military and military spouses; and to provide for a report.

Was read the first time and referred to the **Education Committee**.

Sens. Dwyer, Larson and Reps. Karls, Satrom, Schauer introduced:

**SB 2176:** A BILL for an Act to provide an appropriation for a distance learning family reimbursement program; to provide an expiration date; and to declare an emergency.

Was read the first time and referred to the **Education Committee**.

Sens. Lee, Dever, Poolman and Reps. Sanford, Schreiber-Beck, Weisz introduced:

**SB 2177:** A BILL for an Act to amend and reenact section 43-12.3-06 of the North Dakota Century Code, relating to school counselors' eligibility for a student loan repayment program.

Was read the first time and referred to the **Education Committee**.

Sens. Lee, Dwyer, Hogue and Reps. M. Johnson, Klemin, Roers Jones introduced:

**SB 2178:** A BILL for an Act to amend and reenact subsection 2 of section 12-48.1-02 and section 12-59-02 of the North Dakota Century Code, relating to eligibility for release programs and parole board compensation.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Lee, Anderson, K. Roers and Reps. Dobervich, Westlind introduced:

**SB 2179:** A BILL for an Act to amend and reenact section 26.1-36-09.15 of the North Dakota Century Code, relating to health insurance coverage of telehealth; and to declare an emergency.

Was read the first time and referred to the **Human Services Committee**.

Sens. Lee, Hogan, Kreun and Reps. Brandenburg, Schneider introduced:

**SB 2180:** A BILL for an Act to amend and reenact sections 50-25.1-03 and 50-25.2-03 of the North Dakota Century Code, relating to mandatory reporting.

Was read the first time and referred to the **Human Services Committee**.

The Senate stood adjourned pursuant to Senator Klein's motion.

**Shanda Morgan, Secretary**

